

STATES OF JERSEY



ISLAND PLAN 2011: APPROVAL (P.48/2011) – FORTIETH AMENDMENT

Lodged au Greffe on 16th June 2011
by the Minister for Planning and Environment

STATES GREFFE

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After the words “the revised draft Island Plan 2011” insert the words “except that in Policy TT1 – Protection of the Island’s footpaths and cycle network (page 299), after the words ‘of any part of the’ delete the word ‘existing’ ”.

MINISTER FOR PLANNING AND ENVIRONMENT

NOTE:

This amendment has been lodged by the Minister for Planning and Environment for less than 8 weeks before the start of the debate in accordance with the provisions of Article 4A of the Planning and Building (Jersey) Law 2002. Paragraphs 4A(2), (3) and (4) are in the following terms –

4A Procedure for and following lodging of draft Island Plan

- “(2) An amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 8 weeks.
- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 6 weeks.
- (4) Paragraph (2) or (3) does not apply to an amendment lodged by the Minister if the States agree that the amendment may be debated forthwith or on a day or at a time approved by the States.”

In accordance with the provisions of paragraph (4) the Minister for Planning and Environment will seek the agreement of the States to debate this amendment during the debate on the ‘Island Plan 2011: approval’ (P.48/2011).

REPORT

The Minister for Planning and Environment is sympathetic to the intent behind the second part of the Deputy of St. Mary's amendment (P.48/2011 Amd.(21)), relating to the protection of the footpath and cycle network and its future development, but cannot accept the proposed amendment in its current form. On this basis, and having regard to the recommendations of the independent planning inspectors, the Minister is minded to propose his own amendment to address the matter and better reflect the Deputy's intent in the Plan.

The Minister would suggest that as new elements of the Island's footpath and cycle network are added during the lifetime of the Plan, they will become part of the existing network and will thus be protected by the provisions of this policy. On this basis, the Deputy's assertion that the policy treats the existing network, as if in aspic, is invalid. The independent planning inspectors support this interpretation.

The Deputy of St. Mary's proposed amendment seeks to ensure that the policy can also be applied to development which might compromise future extensions of the existing network and the Minister supports this principle. It is, however, important to note, that the addition of such a provision could only be of significant material weight to a planning decision where the future route of a footpath or cycle network was known and existed in the form of a definitive proposal. The independent planning inspectors support this view.

The inspectors suggest that the proposed amendment could lead to ambiguity in the application of the policy. The Minister is convinced by their arguments and is, therefore, minded to submit his own amendment on the basis of the recommendation of the inspectors simply to omit the word 'existing' from the policy.

Financial and manpower implications

There are no additional financial and manpower implications arising from this amendment.